

January 5, 2010

TO: Members of the MAG Management Committee

FROM: Mark Pentz, Chandler, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Wednesday, January 13, 2010 - 12:00 noon
MAG Office, Suite 200 - Saguaro Room
302 North 1st Avenue, Phoenix

The next Management Committee meeting will be held at the MAG offices at the time and place noted above. Members of the Management Committee may attend the meeting either in person, by videoconference or by telephone conference call. The agenda and summaries are also being transmitted to the members of the Regional Council to foster increased dialogue between members of the Management Committee and Regional Council. You are encouraged to review the supporting information enclosed. Lunch will be provided at a nominal cost.

Please park in the garage under the building, bring your ticket, parking will be validated. For those using transit, Valley Metro/RPTA will provide transit tickets for your trip. For those using bicycles, please lock your bicycle in the bike rack in the garage.

Pursuant to Title II of the Americans with Disabilities Act (ADA), MAG does not discriminate on the basis of disability in admissions to or participation in its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Valerie Day at the MAG office. Requests should be made as early as possible to allow time to arrange the accommodation.

Members are reminded of the importance of attendance by yourself or a proxy. Any time that a quorum is not present, we cannot conduct the meeting. Please set aside sufficient time for the meeting, and for all matters to be reviewed and acted upon by the Management Committee. Your presence and vote count.

c: MAG Regional Council

**MAG MANAGEMENT COMMITTEE
TENTATIVE AGENDA
January 13, 2010**

COMMITTEE ACTION REQUESTED

1. <u>Call to Order</u>	
2. <u>Pledge of Allegiance</u>	
3. <u>Call to the Audience</u> An opportunity is provided to the public to address the Management Committee on items that are not on the agenda that are within the jurisdiction of MAG, or non-action agenda items that are on the agenda for discussion or information only. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Management Committee requests an exception to this limit. Please note that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.	3. Information.
4. <u>Executive Director's Report</u> The MAG Executive Director will provide a report to the Management Committee on activities of general interest.	4. Information and discussion.
5. <u>Approval of Consent Agenda</u> Prior to action on the consent agenda, members of the audience will be provided an opportunity to comment on consent items that are being presented for action. Following the comment period, Committee members may request that an item be removed from the consent agenda. Consent items are marked with an asterisk (*).	5. Recommend approval of the Consent Agenda.

ITEMS PROPOSED FOR CONSENT*

MINUTES

*5A. <u>Approval of November 18, 2009, Meeting Minutes</u>	5A. Review and approval of the November 18, 2009, meeting minutes.
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TRANSPORTATION ITEMS

*5B. On-Call Consulting Services Selection for Intersection and Freeway Data Collection and Analysis

The fiscal year (FY) 2010 MAG Unified Planning Work Program and Annual Budget includes \$350,000 for on-call consulting services for intersection and freeway data collection and analysis. The purpose of the project is to facilitate numerous dataset updates to support transportation planning needs. Eight proposals were received in response to a request for qualifications that was advertised on October 15, 2009, for technical assistance in two areas of expertise. On December 3, 2009, a multi-agency evaluation team reviewed the Statements of Qualifications (SOQs) and unanimously recommended to MAG approval of the list of on-call consultants: Area of Expertise A (Intersection Traffic Data Collection and Analysis): CivTech, Lee Engineering, Midwestern Software Solution, Quality Traffic Data, Traffic Research and Analysis, United Civil Group and Y.S. Mantri Associate; Area of Expertise B (Aerial Photography Survey on Freeway Level of Service and Intersection Queue Length): Skycomp and United Civil Group. Please refer to the enclosed material.

*5C. Consultant Selection for the Central Phoenix Transportation Framework Study

The fiscal year (FY) 2010 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council, includes \$600,000 to conduct Phase I of the Central Phoenix Transportation Framework Study. This is a multi-year/multi-phase project for a study area bounded by Loop 101 on the North, East, and West, and the Gila River Indian Community on the South. A Request for Proposals was advertised on October 21, 2009, and four proposals were received in response. A multi-agency evaluation team reviewed the proposals and recommended to MAG the selection of Wilson & Company to conduct the study. Please refer to the enclosed material.

5B. Recommend approval of the list of on-call consultants for the area of Expertise A (Intersection Traffic Data Collection and Analysis): CivTech, Lee Engineering, Midwestern Software Solution, Quality Traffic Data, Traffic Research and Analysis, United Civil Group and Y.S. Mantri Associate; and for Area of Expertise B (Aerial Photography Survey on Freeway Level of Service and Intersection Queue Length): Skycomp and United Civil Group, for the MAG Intersection and Freeway Data Collection and Analysis, for a total amount not to exceed \$350,000.

5C. Recommend that Wilson & Company be selected to conduct Phase I of the Central Phoenix Transportation Framework Study for an amount not to exceed \$600,000.

*5D. Status Report on the Performance Measurement Framework and Congestion Management Update Study

Proposition 400 was passed by Maricopa County voters in November 2004 extending the half cent sales tax through 2025 and establishing legislative statutes that require MAG to develop a multimodal performance monitoring program for the regional transportation system. Beginning in 2010 and every five years thereafter, ARS 28-6313 requires the Auditor General to contract with an independent auditor to conduct a performance audit of the regional transportation plan and projects scheduled for funding during the next five years. The MAG Regional Performance Report completes Phase II of the Performance Measurement Framework and Congestion Management Update Study. A summary of analysis and findings is provided as well as an overview of the Technical Advisory Group collaborative participation on this process. Please refer to the enclosed material.

*5E. FY 2011 MAG Human Services Coordination Transportation Plan

The federal Safe and Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU) requires the establishment of a locally developed, coordinated public transit-human services transportation plan for all Federal Transit Administration programs for underserved populations: the Elderly Individuals and Individuals with Disabilities program (Section 5310); the Job Access and Reverse Commute program (Section 5316); and the New Freedom program (Section 5317). MAG has developed this coordination plan each year in compliance with this requirement since 2007. The fiscal year (FY) 2011 MAG Human Services Coordination Transportation Plan was recommended for approval by the MAG Human Services Technical Committee on December 10, 2009. Please refer to the enclosed material.

5D. Information and discussion.

5E. Recommend approval of the FY 2011 MAG Human Services Coordination Transportation Plan.

*5F. Project Changes - Amendments and Administrative Modifications to the FY 2008-2012 MAG Transportation Improvement Program

The fiscal year (FY) 2008-2012 Transportation Improvement Program (TIP) and Regional Transportation Plan (RTP) 2007 Update were approved by the MAG Regional Council on July 25, 2007. Since that time, there have been requests from member agencies to modify projects in the programs. ADOT is requesting financial changes to three projects and adding a new pavement preservation project. Additionally, MAG member agencies are requesting changes to project limits related to federal funded projects, and requesting two new projects to be funded with STP-TEA funds; these projects were approved for funding by the ADOT State Board. Tables of proposed amendments and administrative modifications to the FY 2008-2012 TIP and RTP are enclosed.

*5G. American Recovery and Reinvestment Act (ARRA) Monthly Status Report

A Status Report on the American Recovery and Reinvestment Act (ARRA) funds dedicated to transportation projects in the MAG region details the status of project development as of November 24, 2009. The report covers highway, local, transit, and enhancement projects programmed with ARRA funds and the status of project development milestones per project. Please refer to the enclosed material.

*5F. Recommend approval of amendments and administrative modifications to the FY 2008-2012 Transportation Improvement Program, and as appropriate, to the Regional Transportation Plan 2007 Update.

5G. Information and discussion.

AIR QUALITY ITEMS

*5H. Status of Remaining MAG Approved PM-10 Certified Street Sweeper Projects That Have Not Requested Reimbursement

On September 16, 2009, a status report was provided to the MAG Management Committee on the remaining PM-10 certified street sweeper projects that have received approval, but have not requested reimbursement. To assist MAG in reducing the amount of obligated federal funds carried forward in the MAG Unified Planning Work Program and Annual Budget, MAG is requesting that street sweepers be purchased and

5H. Information and discussion.

reimbursement be requested by the agency within one year plus ten calendar days from the date of the MAG authorization letter. Please refer to the enclosed material.

*5I. Recommendation of Prioritized List of Proposed PM-10 Certified Street Sweeper Projects for FY 2010 CMAQ Funding

The fiscal year (FY) 2010 MAG Unified Planning Work Program and Annual Budget and the FY 2008-2012 MAG Transportation Improvement Program contain \$1,310,000 in FY 2010 Congestion Mitigation and Air Quality (CMAQ) funding to encourage the purchase and utilization of PM-10 Certified Street Sweepers. An additional \$354,018 in CMAQ is available from sweeper projects that have been requested to be deleted and from savings on sweepers that have cost less than anticipated, for a total amount of \$1,664,018. All of the nine sweeper projects for FY 2010 may be funded with the \$1,664,018 in available CMAQ. On December 10, 2009, the MAG Air Quality Technical Advisory Committee (AQTAC) recommended a prioritized list of proposed PM-10 Certified Street Sweeper Projects for FY 2010 CMAQ funding. Prior to the AQTAC recommendation, the MAG Street Committee reviewed the proposed street sweeper applications on October 13 and November 10, 2009, in accordance with the Draft FY 2009 MAG Federal Fund Programming Principles. Please refer to the enclosed material.

*5J. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2008-2012 MAG Transportation Improvement Program (TIP). The proposed amendment involves several projects, including Arizona Department of Transportation projects for FY 2010. The amendment includes projects that are exempt from a conformity determination and the administrative modification includes minor project revisions that do not require a conformity determination. Comments on the conformity assessment are requested by

5I. Recommend approval of a prioritized list of proposed PM-10 Certified Street Sweeper Projects for FY 2010 CMAQ funding.

5J. Consultation.

January 22, 2010. Please refer to the enclosed material.

GENERAL ITEMS

*5K. Discussion of the Development of the Fiscal Year 2011 MAG Unified Planning Work Program and Annual Budget

Each year, the Unified Planning Work Program and Annual Budget is developed in conjunction with member agency and public input. The Work Program is reviewed each year by the federal agencies in the spring and approved by the Regional Council in May. This overview of MAG's draft Dues and Assessments and the proposed budget production timeline provides an opportunity for early input into the development of the Work Program and Budget. Please refer to the enclosed material.

5K. Information and input on the development of the fiscal year (FY) 2011 MAG Unified Planning Work Program and Annual Budget.

ITEMS PROPOSED TO BE HEARD

TRANSPORTATION ITEMS

6. ADOT Budget Update

In November, the Arizona Department of Transportation (ADOT) announced layoffs of 115 ADOT staff to reduce expenses as part of an effort to balance a budget suffering from declining transportation revenues and legislative transfers. State transportation funding has been depleted by \$500 million in fund transfers and continued declines in transportation revenues. ADOT has closed rest areas, and announced a plan to shutter a dozen Motor Vehicle Division Offices. ADOT has been under a hiring freeze since 2008. It has cut operational and highway maintenance expenses, deferred maintenance and construction projects and implemented agency-wide furloughs two days per month for all employees to address budget shortfalls. On December 21, 2009, Governor Brewer announced that the FY 2011 budget beginning in July 2010 has an estimated budget deficit of \$3.4 billion. A representative from ADOT will provide information on how the revenue declines and budget cuts are impacting ADOT.

6. Information and discussion.

7. Unobligated American Recovery and Reinvestment Act Local Funds - Technical Programming Modifications

Through the MAG committee process, discussions have been held regarding the anticipated unobligated Local/MPO American Recovery and Reinvestment Act (ARRA) funds due to low project cost bids and projects not obligating by the March 2, 2010 deadline. An approval of policy and programming recommendations by the MAG Regional Council on December 9, 2009 addressed how unobligated American Recovery and Reinvestment Act (ARRA) Local funds (due to either projects not obligating or project cost savings) are to be programmed. Since the approval, the Transportation Review Committee met and has recommended further technical clarifications on programming to be addressed for the policy recommendation to move forward. Please refer to the enclosed material.

8. Proposed Federal Economic Stimulus Legislation

On December 16, 2009, the U.S. House of Representatives passed H.R. 2847 which provides additional infrastructure investments to stimulate the economy. The Senate is slated to take up the house bill in the near future and substantial changes could be made before the bill is passed by Congress and signed by the President. As passed by the House, an additional \$27.5 billion of funding for highways and \$8.4 billion for public transit are provided using the same allocation and process that were part of the first stimulus package (ARRA). One important difference is the dramatically shorter time frames to spend the funds. The new bill requires that one-half of the highway and transit funds need to be under contract within 90 days of when the funds become available. Under Contract means the project has been advertised for bid, bids received and evaluated, the bid award made, and the contract signed within 90 days. As an example, under ARRA, 50 percent of the funds allocated to state DOT's had to be obligated within 180 days. Obligation occurs when the FHWA authorizes the project to be advertised to bid. The 90 days deadline for half of the funds to be under contract

7. Recommend approval that the guidelines for programming unobligated American Recovery and Reinvestment Act (ARRA) Local funds that were approved by the MAG Regional Council on December 9, 2009, be modified in order that the local agency with the ARRA project savings will have local discretion to move the project savings to another existing ARRA project in that jurisdiction and/or swap the ARRA funds with ADOT-STP funds and move the project savings to an eligible project, that is above \$200,000 and can obligate before September 30, 2010, including new projects. Any jurisdiction that cannot meet the \$200,000 threshold and obligation deadline of September 30, 2010 will return the project savings to the regional pool for reallocation.

8. Information and discussion.

also applies to funds allocated to local governments through MAG.

The timing of final Congressional action on another round of stimulus funding is unknown but March 2010 is being used as a rough target at this time. If the 90-day period remains to have 50 percent of the funding under contract, only projects that are through all of the approval processes required will be likely candidates for funding.

AIR QUALITY ITEMS

9. Lawsuit Filed by the Arizona Center for Law in the Public Interest for PM-10

On December 2, 2009, the Arizona Center for Law in the Public Interest filed a lawsuit in the U.S. District Court for the District of Arizona against the Environmental Protection Agency (EPA) for failure to take action on the MAG Five Percent Plan for PM-10. The plan was submitted to EPA by the federal deadline of December 31, 2007. According to the complaint, EPA should have taken action to approve or disapprove the plan by June 30, 2009 under the Clean Air Act. The Center is requesting that the Court order EPA to: immediately begin rulemaking to approve or disapprove in whole or in part, the Five Percent Plan; publish in the Federal Register a proposed rule approving or disapproving the Five Percent Plan within one month; and publish and promulgate a final rule approving or disapproving the Five Percent Plan in the Federal Register within three months. A copy of the complaint is provided. Please refer to the enclosed material.

9. Information and discussion.

GENERAL ITEMS

10. Pinal County Comprehensive Plan

In February 2007, the Pinal County Board of Supervisors approved funding for the Pinal County Comprehensive Plan. The purpose of the Plan was to guide area development as the county grows toward a projected population of 6.1 million people. The Plan is the result of public outreach, meetings, multiple committees and consultations with private and public firms. The

10. Information and discussion.

comprehensive plan focuses on centralized development by creating economic centers across the county linked by multiple modes of transportation, including rail and freeway systems, as well as a regional airport. On November 18, 2009, the Board of Supervisors approved the comprehensive plan. A representative from Pinal County will provide an overview of the plan.

11. Maricopa County Library District Reciprocal Borrowing Agreement

At the May 13, 2009, MAG Management Committee, it was noted that a request had been received to convene the MAG Library District Stakeholders Group to discuss an equitable agreement regarding the reciprocal borrowing agreement with the Maricopa County Library District (MCLD). Meetings of the Stakeholders Group were held, and at the September 29, 2009, meeting a fiscal overview presentation of the MCLD was given by MCLD staff. At this meeting the Stakeholders Group proposed that 50 percent of the tax revenue received by the District be returned to the cities and towns participating in the reciprocal borrowing agreement. On November 2, 2009, MCLD staff provided a response to the proposal indicating that the current statutory structure for the Library District would disallow District property tax funds to be utilized to pay directly for funding independent libraries within Maricopa County. It also noted that the Reciprocal Borrowing Program is a purchase of service agreement and the costs of the service being provided must be reflected in the reimbursement rate. The services of the District were noted in the letter and that the District has recently offered to cover all costs (except staff) of a Summer Reading Program next summer. The letter also indicated that the District expects to lose \$8 million in revenue, which is 40 percent of its tax revenue. At the November Management Committee meeting, it was requested that a representative from the District make a presentation at the next meeting to clarify some of the issues noted in the letter. A representative from the District will make a presentation to the Management Committee.

11. Information and discussion.

12. Request for Future Agenda Items

Topics or issues of interest that the Management Committee would like to have considered for discussion at a future meeting will be requested.

13. Comments from the Committee

An opportunity will be provided for Management Committee members to present a brief summary of current events. The Management Committee is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

14. Adjournment

12. Information and discussion.

13. Information.